

EXHIBIT A

8/17/2018 9:51 AM
Chris Daniel - District Clerk Harris County
Envelope No. 26835054
By: Lisa Thomas
Filed: 8/17/2018 9:51 AM

2018-55632 / Court: 234

CAUSE NO. _____

ANTHONY BABATUNDE PETERS,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
VS.	§	
	§	HARRIS COUNTY, TEXAS
	§	
GATEWAY INSURANCE COMPANY,	§	
	§	
<i>Defendant</i>	§	_____ DISTRICT COURT

**PLAINTIFF'S ORIGINAL PETITION AND
REQUEST FOR DISCLOSURE TO DEFENDANT**

TO THE HONORABLE DISTRICT COURT JUDGE:

Plaintiff ANTHONY BABATUNDE PETERS complains of Defendant GATEWAY INSURANCE COMPANY, and in support would show this Court the following:

LEVEL

1. Plaintiff intends to conduct discovery under Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure and affirmatively pleads that this suit does not fall under the expedited-actions process of Rule 169, because Plaintiff seeks damages in excess of \$100,000.

RELIEF

2. Plaintiff seeks only monetary relief of over \$200,000 but less than \$1,000,000. Tex. R. Civ. P. 47(c)(4).

PARTIES

3. Plaintiff is a resident of Harris County, Texas.

4. Defendant GATEWAY INSURANCE COMPANY is a Missouri insurance company doing business in the State of Texas, and may be served with process by serving its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

VENUE

5. Venue is proper in Harris County pursuant to §§15.002(a)(1) and 15.032 of the Texas Civil Practice and Remedies Code.

FACTS

6. This lawsuit results from a collision that occurred in Harris County, Texas. Shortly before noon on November 1, 2016, Plaintiff Anthony Babatunde Peters (“Plaintiff” or “Peters”) was traveling westbound on West Parker Road in Houston. Suddenly and without any warning, Andrew Miller, Jr., an uninsured driver, attempted to make a U-turn from eastbound West Parker Road and collided with Plaintiff’s vehicle (“Collision”).

7. At the time of the Collision, Peters was insured under an automobile insurance policy underwritten by Defendant Gateway Insurance Company (“Defendant”), which contained Uninsured Motorist (“UIM”) coverage.

8. Peters sustained serious injuries in the Collision. He has incurred medical expenses for the necessary diagnosis and treatment of his injuries, and suffered physical pain and impairment resulting from his injuries. Peters will, with reasonable medical probability, incur additional medical expenses for the necessary treatment of his injuries in the future.

9. Because Andrew Miller, Jr. was uninsured, Plaintiff presented a claim under the UIM provisions of his UIM policy.

10. Defendant has failed and refused to fairly evaluate Plaintiff’s UIM claim and make any reasonable settlement offers for Plaintiff’s claim, forcing Peters to file this lawsuit.

BREACH OF CONTRACT

11. Prior to the Collision, Defendant issued an automobile insurance policy to Peters, which provided Plaintiff with UIM coverage for damages resulting from the Collision.

12. After the Collision, Plaintiff complied with all necessary terms and conditions of the insurance agreement.

13. Defendant has failed and refused to fairly evaluate Plaintiff's UIM claim and make any reasonable settlement offers for Peters' claim.

14. In order to protect Plaintiff's rights, it has become necessary to employ the undersigned attorneys. Plaintiff would show that Defendant is liable for the reasonable attorney's fees incurred pursuant to Section 38.001 of the Texas Civil Practice and Remedies Code, plus additional attorney's fees in the event of an appeal or Writ of Error.

BREACH OF DUTY OF GOOD FAITH AND FAIR DEALING

15. Defendant owed a duty of good faith and fair dealing to Plaintiff.

16. Defendant breached its duty of good faith and fair dealing to Plaintiff by failing and refusing to settle his first-party claim in a prompt, fair, and equitable manner.

17. Defendant's actions have caused Plaintiff to incur damages in an amount within the jurisdictional limits of this Court.

18. In addition to actual damages incurred, Plaintiff seeks exemplary damages of up to four (4) times the amount of her actual damages, to deter Defendant, and other insurance companies, similarly situated, from acting in such a malicious, wanton, and reckless manner.

DAMAGES

19. As a result of Defendant's wrongful actions, Plaintiff sustained damages in an amount within the jurisdictional limits of this Court.

20. In the Collision, Plaintiff sustained serious injuries and incurred medical expenses for the necessary diagnosis and treatment of his injuries. These charges are reasonable and customary with charges made for such services in the county or counties where they were provided. With reasonable

medical probability, Plaintiff will continue to incur medical expenses for the necessary treatment of his injuries, including surgery, in the future. Further, Plaintiff has suffered physical pain, mental anguish, physical impairment, and physical disfigurement resulting from his injuries, and is expected to suffer therefrom in the future.

21. As a result of Defendant's wrongful actions, Plaintiff sustained mental anguish and other damages to be quantified at the time of trial.

PRAYER

Plaintiff ANTHONY BABATUNDE PETERS prays that Defendant GATEWAY INSURANCE COMPANY appear herein, and that upon final trial Plaintiff be awarded a judgment against Defendant for actual damages, attorney's fees, and exemplary damages, as well as costs of court and prejudgment and post-judgment interest at the highest lawful rate, and such other and further relief, both general and special, to which Plaintiff may show himself entitled.

REQUEST FOR DISCLOSURE

Under Rule 194 of the Texas Rules of Civil Procedure, Plaintiff requests that Defendant GATEWAY INSURANCE COMPANY disclose, within fifty (50) days of service, the information and materials described in Rule 194.2.

Respectfully submitted,

THE LAW OFFICE OF NHAN NGUYEN

/s/ Nhan Nguyen
Nhan Nguyen
Texas Bar No. 24041589
2500 West Loop South, Suite 340
Houston, Texas 77027
Telephone: 713/840-7200

Telecopier: 713/583-4155

Email: Nhan@HealthLawServices.com

ATTORNEYS FOR PLAINTIFF



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this September 13, 2018

Certified Document Number: 81297905 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



CHRIS DANIEL
HARRIS COUNTY DISTRICT CLERK

ENTERED
VERIFIED *MS*

2018-55632
Civil Process Pick-Up Form

CAUSE NUMBER: 2018-55632
ATY _____ CIV X COURT 234TH

REQUESTING ATTORNEY/FIRM NOTIFICATION

*ATTORNEY: NGUYEN, NHAN * PH: 713-840-7200

*CIVIL PROCESS SERVER: *BOX:

*PH:

*PERSON NOTIFIED SVC READY: *Block* *TIME *9:21 pm*
Lisa Thomas

*NOTIFIED BY: _____

*DATE: 21 AUG 2018

Type of Service Document: <u>Citation</u>	Tracking Number 73528020
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____

Process papers prepared by: *Lisa Thomas*

Date: 8-20-2018 30 days waiting 9-20-2018

*Process papers released to: *Jarmin Roldan*
(PRINT NAME)
345
(CONTACT NUMBER)
(SIGNATURE)
*Process papers released by: *Bianna Denmon*
(PRINT NAME)
(SIGNATURE)
* Date: *8/21*, 2018 Time: *12:24* AM /PM

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

Entire document must be completed (do not change this document) Revised 1/9/2015



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office
this September 13, 2018

Certified Document Number: 81358017 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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8/23/2018 7:39 AM
Chris Daniel - District Clerk Harris County
Envelope No. 26974511
By: SASHA PRINCE
Filed: 8/23/2018 7:39 AM

CAUSE NO. 201855632

ANTHONY BABATUNDE PETERS,
PLAINTIFF

VS.

GATEWAY INSURANCE COMPANY
DEFENDANT

§
§
§
§
§
§
§
§

IN THE 234TH DISTRICT COURT

HARRIS COUNTY, TX

RETURN OF SERVICE

ON Tuesday, August 21, 2018 AT 04:39 PM

CITATION, PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE TO DEFENDANT, for service on GATEWAY INSURANCE COMPANY (MISSOURI INSURANCE COMPANY) C/O CT CORPORATION SYSTEM came to hand.

ON Wednesday, August 22, 2018 AT 03:00 PM, I, DON ANDERSON, PERSONALLY DELIVERED THE ABOVE-NAMED DOCUMENTS TO: GATEWAY INSURANCE COMPANY (MISSOURI INSURANCE COMPANY) C/O CT CORPORATION SYSTEM, C/O ANTONINETTE WILLIAMS, INTAKE SPECIALIST, 1999 BRYAN STREET SUITE 900, DALLAS, DALLAS COUNTY, TX, 75201.

My name is DON ANDERSON. My address is 1201 Louisiana, Suite 370, Houston, Texas 77002, USA. I am a private process server authorized by and through the Supreme Court of Texas (PSC 4232, expires Friday, August 31, 2018). My date of birth is July 14, 1956. I am in all ways competent to make this statement, and this statement is based on personal knowledge. I am not a party to this case, and have no interest in its outcome. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, Texas on Wednesday, August 22, 2018

/S/ DON ANDERSON

2018-55632

DocID: P255885_1



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this September 13, 2018

Certified Document Number: 81373095 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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CAUSE NO. 2018-55632

ANTHONY BABATUNDE PETERS	§	IN THE DISTRICT COURT
	§	
V.	§	234 TH JUDICIAL DISTRICT
	§	
	§	
GATEWAY INSURANCE COMPANY	§	HARRIS COUNTY, TEXAS

**DEFENDANT GATEWAY INSURANCE COMPANY'S
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Defendant, GATEWAY INSURANCE COMPANY, in the above-entitled and numbered cause of action and files this Original Answer to Plaintiff's Original Petition as follows:

GENERAL DENIAL

In accordance with Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies the allegations in this lawsuit made by Plaintiff and demand strict proof thereof in accordance with the Constitution and laws of the State of Texas.

Respectfully submitted,

By: 

Joseph M. Heard
State Bar No. 09337500
HEARD & MEDACK, P.C.
9494 Southwest Freeway, Suite 700
Houston, Texas 77074
Telephone: (713) 772-6400
Facsimile: (713) 772-6495
Email: jheard@heardmedackpc.com

ATTORNEYS IN CHARGE FOR DEFENDANT
GATEWAY INSURANCE COMPANY

CERTIFICATE OF SERVICE

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing has been served upon all known counsel of record, by facsimile, hand delivery, U.S. First Class Mail and/or certified mail, return receipt requested, on this the 14th day of September, 2018.

Via Facsimile: (713) 583-4155

Nhan Nguyen
THE LAW OFFICES OF NHAN NGUYEN
2500 West Loop South, Suite 340
Houston, Texas 77027
Telephone: (713) 840-7200
Facsimile: (713) 583-4155
Email: Nhan@healthlawservices.com



Joseph M. Heard



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this September 14, 2018

Certified Document Number: 81700885 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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Harris County Docket Sheet

2018-55632

COURT: 234th

FILED DATE: 8/17/2018

CASE TYPE: Motor Vehicle Accident



PETERS, ANTHONY BABATUNDE

Attorney: NGUYEN, NHAN HUYNH

vs.

GATEWAY INSURANCE COMPANY

Docket Sheet Entries

Date	Comment
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